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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,939	10/01/2004	Risto Nikander	P08398US00/DEJ	4953
881 7590 01/22/2008 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER LAZORCIK, JASON L	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/509,939

**Applicant(s)**

NIKANDER, RISTO

**Examiner**

Jason L. Lazorcik

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>(04/01/2005)/(10/01/2004)</u>                                 | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of method claims 1-9 and 11 in the reply filed on 10/15/2007 is acknowledged. The traversal is on the ground(s) that the amended claims made of record on 10/15/2007 and submitted along with Applicant's election of claims constitute a single general inventive concept under PCT Rule 13.1 in view of the United States Patent 4,778,508 to Petitcollin et. al..

This is not found persuasive in view of the rejection of claims under 35 U.S.C. 103(a) in view of the United States patents to Hoetzi (US 6,505,483) and Hoetzi (5,320,329) as set forth below.

Briefly, it is the Examiners position that the Hoetzi references render obvious every element of Applicants claimed method for glass bending and tempering. The prior art reference to Hoetzi (US 6,505,483) teaches a glass transfer mechanism wherein a glass sheet is transferred "at a horizontal height level" from a roll conveyor to a ring mold while being supported from below by an air flow. Said reference further points to the Hoetzi (5,320,329) reference stating that "it is to be understood that this invention is not limited to any specific pressure pad configuration" and an alternate preferred embodiment may utilize "a pressure pad beneath the strip and an opposing pressure pad above the strip such as shown in Fig. 1 of the '329 patent" (Column 7, lines 26-32).

It follows that the special technical feature of claim 1 has been previously conceived and demonstrated in the art. As such, the inventions of groups I and II as

presented in Applicants amended claims are not linked in such a manner to form a single general inventive concept (e.g. group I is drawn to a method while group II is drawn to an apparatus).

The requirement is still deemed proper and is therefore made FINAL.

Claim 10 is withdrawn from further consideration as being drawn to a nonelected invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's claim amendments dated October 15, 2007 include new limitations which do not appear to find support in the specification as originally filed. Said amendments present new limitations on the claimed transfer steps which require that the "supporting of the glass sheet at the horizontal height level by directing an air flow

onto a bottom surface of the glass sheet" occur "only after the termination of the support by the rotating rollers".

Applicant's originally filed specification states in part that "When the glass G has sled into the area where there are no more rollers, the glass support is achieved by air blowing" (Page 3). The instant excerpt does not provide basis to support the claimed amendment which effectively excludes even partial support of the glass sheet by an air cushion in the immediate region of the roller bed. Restated, a positive statement teaching that the glass sheet is supported from below by an air cushion in one section of the apparatus (e.g. in the bending station) is not equivalent to the instant claim limitation which excludes support of the glass sheet by an air cushion in another section of the apparatus (e.g. in the roller bed).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9 and 11 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hoetzi (US 6,505,483 B1) as evidenced by Hoetzi (US 5,320,329).

With particular reference to the instant figure 1, Hoetzi '483 teaches a method for transferring a heat softened glass sheet from a rotating roller bed (19) in an oven (18) to a bending ring mold (80 – see fig 8) in a press station (21). The transfer is conducted at a "a horizontal height level" or "without vertical oscillations" (Column 4, lines 33-35) from a position in the oven where the glass is supported by the rollers to a position in the region of the furnace exit wherein the roller support is terminated and the sheet is thereafter supported from below by an air flow onto the bottom surface of the sheet (Column 13, lines 24-52).

The glass sheet is subsequently guided downstream on the static air by conventional means and stopped in a position about the female ring mold by a "conventional guide/stop drive arrangement". The suspended glass sheet is subsequently lowered into contact with the ring mold by "lowering the pressure pads" (Column 13, lines 53-67) and/or by reducing the air flow.

The '483 reference teaches that "the pressure pad configuration illustrated in FIG. 3 is well known, and it is to be understood that this invention is not limited to any specific pressure pad configuration. Several of the pad configurations shown in the '329

patent may be used in the present invention...a pressure pad beneath the strip and an opposing pressure pad above the strip such as shown in FIG. 1 of the '329 patent" (Column 7, line 24-33).

In view of the collective teachings in the '483 and '329 patents, it would have been obvious for one of ordinary skill in the art at the time of the invention of incorporate an upper and lower pressure pad configuration (e.g. bottom air flow means and elevation stop). This configuration would have been obvious since such is directly and explicitly contemplated in the '483 patent.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL

  
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